

# Edmondson's sword

Courthouse might be only avenue to resolve poultry dispute

The only thing that kept Damocles in line at that sumptuous banquet, the ancient myth tells us, was that sword dangling over his head, held in place by a single hair. He dared not move for fear of losing it.

Likewise, Attorney General Drew Edmondson says if he doesn't have a serious threat — like a lawsuit that could lead to costly court orders — to hang over the heads of poultry companies, they won't follow through with needed pollution controls.

Since the fall of 2001, Edmondson's office and representatives of area poultry firms have



Edmondson

other affected watersheds, he'd go away happy. But to date, that has not occurred.

"The integrators are perfectly willing to do lots of things on a voluntary basis, they're perfectly willing to apply for grants, they're perfectly willing to try innovative solutions if someone else pays for it. But flat-out accepting responsibility, saying, 'This is our problem and we'll do something about it,' that's where we've had trouble," he says.

The poultry firms correctly point out that there are other sources of phosphorus in eastern Oklahoma who should be responsible for their contributions.

Edmondson agrees other contributors, who are not under the same restrictions as poultry growers, should be the subject of legislative review. "But the poultry industry is the major problem. It's a question of ranked priorities. Go after the number one problem first," he said.

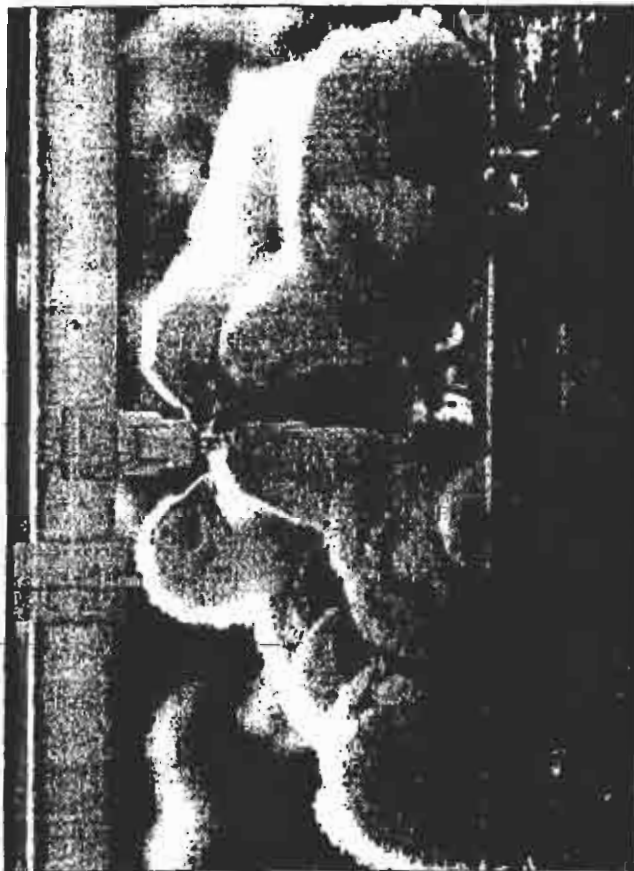
His staff's research supports his assertion. One memo notes that the Environmental Protection Agency has found poultry waste can include nitrogen, phosphorus, ammonia, organic matter, metals such as arsenic and copper, antibiotics, hormones and pathogens such as bacteria, viruses, fungi and parasites. These pollutants can lead to impaired water quality, and even to human disease and infections.

The AG's staff contends the annual flow of poultry-generated phosphorus flowing into the Illinois River/Lake Tenkiller watershed alone is equal to the phosphorus that would be generated by an additional 10.7 million people living in the watershed without wastewater treatment. Currently, there are fewer than 200,000 people living in the watershed.

In all, the affected watersheds include 10 lakes, 18 rivers (including Oklahoma's most scenic rivers), and over 200 miles of shoreline.



**For more**  
A lawsuit is the worst possible solution. B-4



REILLY SPINNEY/TULSA WORLD

Birdy chickens take a drink of water at a poultry farm.

Edmondson's office calculated that 38 percent of the phosphorus flowing into Lake Tenkiller comes from runoff, and 56 percent of that phosphorus comes from poultry litter.

Poultry representatives argue Edmondson's efforts will hurt thousands of Oklahoma farmers, but Edmondson insists no group can legitimately claim to represent them, and adds he believes he represents them since he is calling for steps to protect their interests. In contrast, he notes, the poultry firms and their allies have maintained in the past the litter is the responsibility — and the problem — of the farmers.

Another argument of the poultry firms is that Edmondson unnecessarily brought in out-of-state lawyers, who stand to make millions if any monetary recovery is ever obtained.

Edmondson insists it was only when he hired an out-of-state firm this last

summer, after nearly three years of talks, that real progress occurred. "I don't want to sound like a broken record, but we bent over backwards not to have to hire lawyers, and we told them if they didn't get reasonable we were going to hire lawyers and it was going to cost them money. I've been telling them that since November 2001."

Edmondson says his office can't afford to pursue litigation, and that the curative firm — which won't make a dime if there's no recovery — is one of the few in the nation that will provide up-front resources to advance the case. "We anticipate it will cost millions if we have to litigate, if we have to do all the discovery, all the science. This firm is willing to do that."

Before the breakdown in talks, poultry firms had agreed in principle to a number of concessions, including steps to remove much of the litter

and funding for alternative uses of litter. (For more on the poultry industry's arguments, see Janet Wilkerson's story column on C-4.)

It's possible the poultry companies, having learned from the city of Tulsa experience, are serious about correcting the problems.

But Edmondson is "more skeptical of their bona fides" because of recent events, and points to the "boots of contention" that may make settlement impossible — that thorny issue of what constitutes "excess litter."

If an acceptable compromise can be developed, a settlement is in the best interests of Oklahoma. But as long as the two sides remain far apart on the major points with no compromise in sight, the courts are the likely option if the environment is to be protected.

Janet Pearson 541-5228  
jpearson@tulsaworld.com



## OPINION

TULSA WORLD • G1 • Sunday, January 23, 2005 • www.tulsaworld.com

"Publish and set up a standard; publish and."

EXHIBIT

1